

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2008 Legislative Session

**Legislative Day No. 13
November 3, 2008**

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 7:31 p.m.

Courtney Watson, Chairperson; Mary Kay Sigaty, Vice Chairperson; Calvin Ball, Council Member; Greg Fox, Council Member; and Jennifer Terrasa, Council Member, were present.

Sheila Tolliver; Administrator to the County Council; Margaret Ann Nolan, County Solicitor; Jim Vannoy, Office of Law; and Jennifer Sager, Legislative Coordinator for the County Administration, were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journals for Legislative Days No. 11, October 6, 2008 and Day No. 12, October 20, 2008. Her motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson to approve the journals was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to approve the journals passed.

APPROVE MINUTES

The Chairperson moved to approve the Minutes for:

Public Hearing – October 20, 2008
Official Minutes of Closed Meeting – October 21, 2008
Confidential Minutes of Closed Meeting – October 21, 2008
Official Minutes of Closed Meeting – October 24, 2008
Confidential Minutes of Closed Meeting – October 24, 2008
Official Minutes of Closed Meeting – October 27, 2008
Confidential Minutes of Closed Meeting – October 27, 2008
Legislative Work Session – October 27, 2008
Official Minutes of Closed Meeting – October 28, 2008
Confidential Minutes of Closed Meeting – October 28, 2008

Her motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson to approve the minutes was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to approve the minutes passed.

INTRODUCTION OF LEGISLATION

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

Appointments

Council Resolution No. 116-2008 – Confirming the appointment of Carole MacPhee to the Housing Commission

A RESOLUTION confirming the appointment of Carole MacPhee to the Housing Commission.

Council Resolution No. 117-2008 – Confirming the appointment of Lisa Bandel-Sparks to the Board to Promote Self-Sufficiency

A RESOLUTION confirming the appointment of Lisa Bandel-Sparks to the Board to Promote Self-Sufficiency.

Council Resolution No. 118-2008 – Confirming the appointment of Andrea Ingram to the Board to Promote Self-Sufficiency

A RESOLUTION confirming the appointment of Andrea Ingram to the Board to Promote Self-Sufficiency.

Council Resolution No. 119-2008 – Confirming the appointment of Julie Keough to the Board to Promote Self-Sufficiency

A RESOLUTION confirming the appointment of Julie Keough to the Board to Promote Self-Sufficiency.

Council Resolution No. 120-2008 – Confirming the appointment of Irfan Malik to the Board to Promote Self-Sufficiency

A RESOLUTION confirming the appointment of Irfan Malik to the Board to Promote Self-Sufficiency.

Council Resolution No. 121-2008 – Confirming the appointment of Richard Ohnmacht to the Board to Promote Self-Sufficiency

A RESOLUTION confirming the appointment of Richard Ohnmacht to the Board to Promote Self-Sufficiency.

Council Resolution No. 122-2008 – Confirming the appointment of Jane O’Leary to the Board to Promote Self-Sufficiency

A RESOLUTION confirming the appointment of Jane O’Leary to the Board to Promote Self-Sufficiency.

Council Resolution No. 123-2008 – Confirming the appointment of Kelley Riddle to the Board to Promote Self-Sufficiency

A RESOLUTION confirming the appointment of Kelley Riddle to the Board to Promote Self-Sufficiency.

Council Resolution No. 124-2008 – Confirming the appointment of James Smith to the Board to Promote Self-Sufficiency

A RESOLUTION confirming the appointment of James Smith to the Board to Promote Self-Sufficiency.

Council Resolution No. 125-2008 – Confirming the appointment of Sharon Ransome Smith to the Board to Promote Self-Sufficiency

A RESOLUTION confirming the appointment of Sharon Ransome Smith to the Board to Promote Self-Sufficiency.

Council Resolution No. 126-2008 – Confirming the appointment of Anne Towne to the Board to Promote Self-Sufficiency

A RESOLUTION confirming the appointment of Anne Towne to the Board to Promote Self-Sufficiency.

Council Resolution No. 127-2008 – Confirming the appointment of Helen Woods to the Board to Promote Self-Sufficiency

A RESOLUTION confirming the appointment of Helen Woods to the Board to Promote Self-Sufficiency.

Financial

Supplementary Budget & Appropriation Ordinance No. 3-Fiscal 2009 – Transferring \$62,247 from the Grants Fund, Contingency Reserve to the Police Department to pay the costs of an Administrative Analyst position

AN ACT transferring \$62,247 from the Grants Fund, Contingency Reserve to the Police Department to pay the costs of an Administrative Analyst position.

Supplementary Budget & Appropriation Ordinance No. 4-Fiscal 2009 - Transferring \$71,380 from the Grants Fund, Contingency Reserve to the Sheriff’s Office to provide funding for a deputy in the Domestic Violence Unit.

AN ACT transferring \$71,380 from the Grants Fund, Contingency Reserve to the Sheriff's Office to provide funding for a deputy in the Domestic Violence Unit.

Council Bill No. 59-2008 – Providing for the issuance of up to \$125,000,000 Howard County, Maryland Consolidated Public Improvement Bonds and up to \$35,000,000 Howard County, Maryland Metropolitan District Bonds

AN ORDINANCE providing for the issuance of up to \$125,000,000 Howard County, Maryland Consolidated Public Improvement Bonds and up to \$35,000,000 Howard County, Maryland Metropolitan District Bonds, pursuant to various bond enabling laws; providing that such bonds shall be general obligations of the County; providing for the private (negotiated) sale of such bonds; providing for a continuing disclosure agreement; authorizing the County Executive to specify, prescribe, determine, provide for or approve the final principal amounts, maturity schedules, interest rates and redemption provisions for such bonds, and certain other matters, details, forms, documents or procedures, and to change the method of sale of such bonds; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; providing for and determining various matters in connection therewith; and providing that this Ordinance shall be supplemental to Council Bill No. 34-2006, as heretofore supplemented.

Council Resolution No. 128-2008 - Introduced by The Chairperson at the request of the Board of Education - Approving certain transfers between capital projects in the Board of Education capital budget for Fiscal Year 2009, including the transfer of \$3,500,000 to capital project E-0980 (Systemic Renovations) from capital projects E-0972 (Bushy Park Elementary) and E-0975 (New Northern High School); \$1,000,000 to capital project E-0943 (Howard High Addition/Renovation) from capital project E-0975 (New Northern High School); and \$3,500,000 to capital project E-0954 (Glenelg High School Addition) from capital project E-0992 (Northeastern Elementary School)

A RESOLUTION approving certain transfers between capital projects in the Board of Education capital budget for Fiscal Year 2009, including the transfer of \$3,500,000 to capital project E-0980 (Systemic Renovations) from capital projects E-0972 (Bushy Park Elementary) and E-0975 (New Northern High School); \$1,000,000 to capital project E-0943 (Howard High Addition/Renovation) from capital project E-0975 (New Northern High School); and \$3,500,000 to capital project E-0954 (Glenelg High School Addition) from capital project E-0992 (Northeastern Elementary School).

Council Bill No. 61-2008 – To authorize and empower Howard County, Maryland, to borrow up to \$1,450,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Projects Nos. E-0943 (Howard High Addition/Renovation) and E-0980 (Systemic Renovations)

AN ACT to authorize and empower Howard County, Maryland, to borrow up to \$1,450,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Projects Nos. E-0943 (Howard High Addition/Renovation) and E-0980 (Systemic Renovations) and costs of issuance of such bonds; authorizing and empowering the County to issue bond anticipation notes or to enter into installment purchase agreements for

payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

General

Council Resolution No. 129-2008 – Introduced by Fox/Co-Spon. By Watson - Approving an amendment to the Howard County Inventory of Scenic Roads which adds several rural, historically significant roads to the Inventory.

A RESOLUTION approving an amendment to the Howard County Inventory of Scenic Roads which adds several rural, historically significant roads to the Inventory.

Council Bill No. 60-2008 – Approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in approximately 35 acres of agricultural land located at 3547 Route 94 in Howard County, Maryland, from Grace A. de Fries, Patricia C. de Fries, Carol J. de Fries and Grace A. de Fries, Trustee of the Carol F. de Fries Testamentary Trust, or any other owner thereof for a maximum purchase price of \$893,000 or, if less, \$25,498 per acre or portion thereof, rounded to the next highest \$1,000, plus interest thereon; providing

AN ACT approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in approximately 35 acres of agricultural land located at 3547 Route 94 in Howard County, Maryland, from Grace A. de Fries, Patricia C. de Fries, Carol J. de Fries and Grace A. de Fries, Trustee of the Carol F. de Fries Testamentary Trust, or any other owner thereof for a maximum purchase price of \$893,000 or, if less, \$25,498 per acre or portion thereof, rounded to the next highest \$1,000, plus interest thereon; providing that the County's obligation to pay such purchase price and interest shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to modify such Agreement; and providing for and determining various matters in connection therewith.

FINAL CONSIDERATION

Council Resolution No. 86-2008 – Confirming the appointment of Phyllis E. Cook to the Howard County Design Advisory Panel (*Tabled 10/06/08*)

Council Resolution No. 87-2008 – Confirming the appointment of Phillips S. Engelke to the Howard County Design Advisory Panel (*Tabled 10/06/08*)

The Chairperson moved to remove Council Resolution No. 86-2008 and Council Resolution No. 87-2008 from the table. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to remove Council Resolution No. 86-2008 and Council Resolution No. 87-2008 from the table passed.

Council Resolution No. 114-2008 - Pursuant to Section 5-301 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education's Capital Budget Request for Fiscal Year 2010 and Capital Improvement Program Request for Fiscal Years 2011-2015 for the purpose of submission to the Interagency Committee on School Construction

The Chairperson asked the Council Administrator to remove Council Resolution No. 114-2008 from the consent agenda before the reading of legislation for final consideration so that an amendment to the resolution may be introduced.

Consent

Council Resolution No. 86-2008 – Confirming the appointment of Phyllis E. Cook to the Howard County Design Advisory Panel (*Tabled 10/06/08*)

Council Resolution No. 87-2008 – Confirming the appointment of Phillips S. Engelke to the Howard County Design Advisory Panel (*Tabled 10/06/08*)

Council Resolution No. 100-2008 - Confirming the appointment of Henry M. Alinger to the Howard County Design Advisory Panel

Council Resolution No. 102-2008 - Confirming the appointment of Jaykant Parekh, P.E. to the Board of Directors of the Economic Development Authority

Council Resolution No. 103-2008 - Confirming the appointment of Jennifer L. Soh to the Commission on Aging

Council Resolution No. 104-2008 - Confirming the appointment of Lisa S. Spitulnik to the Public Works Board

Council Resolution No. 105-2008 - Confirming the appointment of Don Taylor to the Howard County Design Advisory Panel

Council Resolution No. 106-2008 - Confirming the reappointment of Nathan Bergstein to the Board of Directors of the Howard County Mental Health Authority

Council Resolution No. 107-2008 - Confirming the reappointment of Chan Su Chong to the Commission on Aging

Council Resolution No. 108-2008 – Confirming the reappointment of John W. Eberhard to the Commission on Aging

Council Resolution No. 109-2008 - Confirming the reappointment of Raja J. Kudchadkar to the Commission for Women

The Chairperson moved to adopt the consent items. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolutions No. 86-2008; No. 87-2008; No. 100-2008; No. 102-2008; No. 103-2008; No. 104-2008; No. 105-2008; No. 106-2008; No. 107-2008; No. 108-2009; and No. 109-2008 passed.

Council Resolution No. 101-2008 - Confirming the appointment of Susan Fillmore to the Board of Directors of the Howard County Mental Health Authority

The Chairperson moved to table Council Resolution No. 101-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to table Council Resolution No. 101-2008 passed.

Financial

Supplementary Budget & Appropriation Ordinance No. 2-Fiscal 2009 –Transferring \$19,856 from the Grants Fund, Contingency Reserve to the Circuit Court to help pay certain mediation and salary costs

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 2-Fiscal 2009. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the ordinance was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Supplementary Budget & Appropriation Ordinance No. 2-Fiscal 2009 passed.

General

Council Bill No. 58-2008 (ZRA-100) – Introduced by The Chair at the request of Greenberg Gibbons Commercial – Amending the Howard County Zoning Regulations to increase the size of permitted food stores in the PGCC (Planned Golf Course Community) zoning district; and generally relating to food stores

The Chairperson moved to adopt Council Bill No. 58-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to suspend the rules to allow introduction of Amendment No. 1 to Council Bill No. 58-2008 which was not prefiled. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to suspend the rules passed.

Council Member Fox moved to adopt Amendment No. 1 to Council Bill No. 58-2008 as follows: *(This amendment would limit the size of any non-grocery retail establishment).*

On the title page, in the title after “zoning district;” insert:

“limit the size of non-grocery retail establishments;” and

After “relating to food stores” insert

“and other retail establishments” and

On page 1, in line 5, after “amended” insert

“and Subsection E is being added” and

On page 2 after line 31, insert,

“E. Other Provisions

1. No less than 5 percent and no more than 12 percent of the total net acreage of land in the PGCC District shall be non-residential or non-open space.

2. Retail businesses shall not exceed 20,000 square feet of floor area for any individual business, except for grocery stores as provided in subsection B of this section.

and renumber the remaining subsections accordingly.”

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Bill No. 58-2008 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 58-2008 passed as amended.

Council Resolution No. 110-2008 - Approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County Housing Commission and Howard County, Maryland for a multi-family rental housing project known as Columbia Landing

The Chairperson moved to adopt Council Resolution No. 110-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 110-2008 passed.

Council Resolution No. 111-2008 - Pursuant to Section 4.201 of the Howard County Code declaring that certain real property known as the “Gateway School” comprising approximately 7.768 acres owned by Howard County, Maryland and located at NW Route 108, Clarksville, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to sell the property; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to sell the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration

The Chairperson moved to adopt Council Resolution No. 111-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 111-2008 passed.

Council Resolution No. 114-2008 - Pursuant to Section 5-301 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education’s Capital Budget Request for Fiscal Year 2010 and Capital Improvement Program Request for Fiscal Years 2011-2015 for the purpose of submission to the Interagency Committee on School Construction

The Chairperson moved to adopt Council Resolution No. 114-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 114-2008 as follows: (See attached.)

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Resolution No. 114-2008 passed.

The roll call vote called by the Chairperson on the resolution as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 114-2008 passed as amended.

ADJOURNMENT

The Chairperson adjourned the legislative session at 8:17 p.m.

TABLED LEGISLATION

Council Resolution No. 101-2008 - Confirming the appointment of Susan Fillmore to the Board of Directors of the Howard County Mental Health Authority (*Tabled 11/03/08*)
